The question before the House is whether the motion regarding Select Committee which has been proposed and seconded is acceptable to the House.

The motion was carried.

THE TRAVANCORE TRADE DISPUTES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce the Travancore Trade Disputes Bill. It has been published in the Gazette with a Statement of Objects and Reasons and I beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) ; I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, from the speeches on the Factories Bill and on the Trade Unions Bill and from certain recent happenings in the country, it is clear that there is a sort of labour unrest in certain areas in the country. Loss occasioned by industrial disputes, resulting in strikes or lock-outs, to the employers as well as to the employed and the public at large, would be considerable, and I need not dilate upon that aspect of the matter. That all reasonable measures should be adopted to maintain industrial peace will also be admitted on all hands. This Bill has been proposed to provide a machinery for the settlement of industrial disputes, if any such unfortunately arises.

Clauses 3 to 14 of the Bill provide for the establishment of tribunals for the investigation and settlement of trade disputes. The tribunal may be either a Court of Enquiry or a Board of Conciliation. When the dispute arises, it may be referred either to a Court of Enquiry or a Board of Conciliation. Courts of Enquiry are appointed to inquire into and report on specific matters referred to them. Boards of Conciliation are concerned not with any specific points referred to them but are, on the other hand, appointed to investigate the dispute firstly with a view to its settlement and secondly with a view to enlightening the public regarding its merits. Courts of Enquiry will consist of an independent Chairman and other independent members, independent in the sense that they will have nothing to do with the dispute or trade in which the dispute arose. The Board of Conciliation will consist of an independent Chairman and ordinarly of other members who may be independent or may represent parties to the dispute. Both the Court of Enquiry and the Board of Conciliation will have power to enforce the attendance of witnesses and the production of documents and their reports are to be published. Neither party will be under any obligation to accept the findings of the Court or the settlement offered by the Board and in cases where the dispute is not put an end to, reliance is placed on the force of public opinion. And the public will be enabled, by the publication of the report, to arrive at conclusions on the merits of the dispute. Perhaps Government and public-spirited men may also be able to bring to bear their influence in settling the dispute in view of the findings of the Court or the Board.

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[Mr. Kayalam Paramesvaran Pillai.]

Clause 15 relates to what is called public utility services and is intended to prevent lightning strikes. This clause makes it a penal offence for workers employed in public utility services to strike without giving previous notice. This is based on the principle that persons whose work is vital to the welfare of the community generally should not be entitled to enter into a strike before sufficient time is given to examine the merits of them and to explore the possibilities of arriving at a possible settlement.

Clauses 16 to 18 contain certain specific provisions with regard to illegal strikes. On this point, I may draw the particular attention of Mr. Pacode Narayana Pillai to what strikes and lock-outs are illegal and what are not illegal. These clauses will apply and make strikes or lock-outs illegal if they satisfy both of two conditions. In the first place, the strike or lock-out must have other objects than the mere furtherance of a trade dispute within the trade or industry to which the strikes or employers locking-out belong. In the second place, the strike or lock-out must be designed to coerce Government either directly or by inflicting hardships on the community. If these two conditions are satisfied, the strike or lock-out becomes illegal ; and illegal strikes or lock-outs are made penal.

This Bill is drawn on the lines of the Indian Trade Disputes Act. It may be interesting to the House to know that the Indian Act was originally passed for a period of five years. Recently, it has been made permanent as the measure has been found to be satisfactory. I commend the Bill for the acceptance of the House.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will it be legal on the part of the Unions of peons and clerical staff of the Anchal or the Water Works Department to seek protection under the provisions of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This Bill has nothing to do with the Unions. The other Bill deals with Unions.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I omit the reference to Unions. Can the subordinates of these Departments seek protection under the provisions of this Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the employees of the Anchal Department strike without giving notice, then the provisions of the Bill would seem to apply.

MR. S. J. NAIR (*Nedmangad*): Sir, I oppose the principle of the Bill. This Bill, if accepted by this House, I submit, would negative the rights and privileges of this House and endanger the life and existence of not only the employer but also the employees. It is said by the Law Member that he has drawn up this Bill on the lines of the Indian Trade Disputes Bill. It is found from the statement of the Law Member he has simply copied the provisions that are found in the British Indian Act.

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DEPUTY PRESIDENT: The Law Member did not say that he has simply copied. He said that it is based on the law in British India.

MR. S. J. NAIR (*Nedumangad*): I say it is simply copied from the British Indian Act. This sort of indiscriminately copying the provisions of all Acts passed in British India is not at all healthy and wholesome. The conditions of the people here and in British India do not agree and are quite divergent. It is most unwholesome not only to the State but also to the members of this House not only to the employer but also to the employees as well to accept the principle of the Bill. Government represent not only the capitalists but also the poor labourers. In the interest and on behalf of the labourers as well as the employers I submit that the principle of this Bill should not be accepted. Clauses 15, 16 and 17 do penalise the activities of the employers and the employees as illegal and punishable.

DEPUTY PRESIDENT: I may just tell you that this Bill more or less relates to the same subject as in the previous Bill.

MR. S. J. NAIR (*Nedumangad*): The intention of the Trade Union Bill was to improve the relationship between the employer and the employee. The intention of this Bill is to safeguard the rights of the Government and not to increase that of the employers or the employees. It is not a corollary or a necessary Bill that must go along with the Factories Bill or the Trade Unions Bill. Some safeguards that were provided in the Factories Bill and the Trade Unions Bill, if the principle of this Bill is accepted, would be negatived.

DEPUTY PRESIDENT: How will it negative?

MR. S. J. NAIR (*Nedumangad*): I am coming to that, Sir.

Cases of lock-out would only seldom happen. Generally what takes place in Factories are strikes. Here strikes are made illegal. At the time of the Great War, Sir John Simon said that strikes must be penalised.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Does it refer to all strikes?

MR. S. J. NAIR (*Nedumangad*): Yes.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Or strikes without sufficient notice?

MR. S. J. NAIR (*Nedumangad*): One cannot expect to give the notice to the employer or the Government before it is started. Such strikes would never happen. In British India, it is quite different. These Trade Unions and such other unions resort to political activities. In order to safeguard the interest of the Government in British India, there they are compelled to enact a legislation as the Trade Disputes Bill. Here in this State there is no divergent interest between the Ruler and the ruled.

DEPUTY PRESIDENT: All that is beside the point. Nobody talked of the Ruler and the ruled in this State. Any such reference to British India is quite out of place. We are concerned now with a definite piece of legislation.

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MR. S. J. NAIR (*Nedumangad*): The Law Member has made us to understand that this Bill is in line with the Indian Taade Disputes Bill and the only reason he has advanced for the acceptance of the principle of the Bill is that there is an Act in British India and therefore the same must be copied in Travancore also.

DEPUTY PRESIDENT: I want you to be more fair to the other members of the House. You can say that the conditions in Travancore do not require this legislation. I wish members will not unnecessarily misunderstand or misinterpret what other members have said.

MR. S. J. NAIR (*Nedumangad*): What I submit is that conditions in Travancore do not justify the bringing in of this Bill as it has been pointed out by the Law Member. The conditions in Travancore are entirely different from those in British India. There is no divergent interest here between the Government and the people and between the Ruler and the ruled. But that is not the case in British India.

DEPUTY PRESIDENT: Will you please withdraw that statement that there is no divergent interest here between the Ruler and the ruled?

MR. S. J. NAIR (*Nedumangad*): I have said that such things do not exist here.

DEPUTY PRESIDENT: Does Mr. S. J. Nair wish to delete that portion of his speech from the Report? My direction is that it shall not find a place in the Report because it was ruled out once.

MR. S. J. NAIR (*Nedumangad*): Since the conditions I am talking about do not exist here, it does not justify the bringing in of such a Bill; and the enactment of such provisions penalising and punishing the poor labourers who will have recourse to acts of strikes in order to safeguard their interests is detrimental to the progress of labour, I appeal to the House to consider these aspects and to throw out the Bill.

MR. K. M. KURIAKOSE (*Moovattupuzha* II): I welcome the introduction of this Bill, coming as it does as the third in the series of Labour Bills. I think, if we are to throw out this Bill, we will be missing one of the most important links in the chain of legislation that we are enacting. The two most important features of this Bill are the constitution of the Conciliation Board and penalisation of illegal strikes. Sir, I do not think there is any necessity of spending much time in speaking on the advantages of this Bill. Since we have accepted the other two Bills, it is only in the fitness of things that we accept this Bill too, so that all the three Bills may from a most fitting chain connecting the labourer and the capitalist.

MR. K. C. KARUNAKARAN (*Nominated*): To me it seems, Sir, that the main outstanding features of the Trade Disputes Bill are to minimise the loss occasioned to employers, employees and the public at large by industrial disputes, which will at times be occurring and to find out ways and means to prevent such strikes and lock-outs when they occur and thus to create that ideal state of affairs, which we call industrial peace in the organised industries of our State.

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Sir, in discussing the principle underlying this Bill, one has to bear in mind the circumstances under which the principle of the Bill has been accepted by the other countries. I mean the other industrial countries. The industries in these countries, Sir, were slowly moving from organisation to organisation; and we find in the early days, the house industrial system or what we call the domestic system of industrial organisation. From this organisation, Sir, the system developed and went into the hands of those who are responsible for the industrial organisation called the Guild system. From the Guild system, the industries moved on to small scale industries and from there, it finally went up to large scale industries. Soon after the Great War, those large scale industries developed both vertically and horizontally; and lastly the credit goes to Soviet Russia where it developed into nationalisation. These various stages in the industrial development of the industries of the world —

DEPUTY PRESIDENT : Is not nationalisation different from what is contemplated in the Bill?

MR. K. C. KARUNAKARAN (*Nominated*) : No. Sir. Nationalisation also is a form of industrial organisation and I speak about these with clear understanding.

Sir, these industrial organisations developed and created many difficulties in the political, social and economic relationship between the employer and the employed. These industrial growths, Sir, slowly did away with that close and intimate touch between the employers and the employees; and a regular system of managers and managing agencies came into existence, which stood in the way of the employer and the employed coming into closer touch. And that also, Sir, prevented the employees' telling the employer their real disabilities and difficulties and clearing them up from time to time. That was one great difficulty that came out of the growth and development of these organisations and that has compelled the advanced industrial countries to adopt the principles of the Trade Disputes Act.

Now, what I want to impress upon the House is that this system of industrial development, which we see in other industrial countries has not come to our State. One question may be asked to me, Sir, then, why British India has accepted the principle of the Bill? The simple answer is, there. Sir, the personal and intimate connection, the personal touch which we have in this country, between the employer and the employed, does not exist in British India owing to the existence of that vicious system called the managing agency. Sir, the share-holders of a Joint Stock Company in an industrial place like Bombay or Ahmedabad have no opportunity to come into contact with the labourers and the whole thing is managed by a system of managing agency which has nothing to do with the share-holders directly. This agency is responsible only to the Directors who are in their turn responsible to the share-holders. So, Sir, the industrial organisations which are being run by this vicious system of managing agency are not found in this country. This system is being condemned totally

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[K. C. Karunakaran.]

both by the Government and students of economics in British India; and we are seeing now the last days of the managing agency system in British India.

Sir, in the old ideal state of affairs of industrial organisation, there was absolutely no difference between the employer and the employed; and the employer was directly in touch with the employed and that is the reason why we had in those ideal days absence of trade disputes and absence of industrial legislation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are there trade disputes now in Travancore?

MR. K. C. KARUNAKARAN (*Nominated*): No, Sir,

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the member draw the attention of the House to some instances of trade disputes?

MR K. C. KARUNAKARAN (*Nominated*): I answered to the Law Member that there was no instance of the kind of Trade disputes as elsewhere here, because I know we never had so far trade disputes in this country in the sense in which trade disputes are known in western countries.

DEPUTY PRESIDENT: By 'this country' you mean Travancore or India?

MR. K. C. KARUNAKARAN (*Nominated*): India.

DEPUTY PRESIDENT: Then, I may draw the attention of the member to that authoritative book written by Vincent Smith which sets forth the regulations in Chandragupta's time about trade guilds and trade disputes. I only want to point out this to the member.

MR. K. C. KARUNAKARAN (*Nominated*): I am not concerned now with Chandragupta's legislations about trade disputes

DEPUTY PRESIDENT: The member said that there was no trade dispute in India. So ancient legislation is relevant.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member say that there were no disputes in Alleppey, for instance, between the employer and the employed?

MR. K. C. KARUNAKARAN (*Nominated*): Sir, conditions prevailing today in our industrial organisations are almost the same that were prevailing in European countries towards the close of the 18th and beginning of the 19th centuries.

MR. K R. ELENKATH (*Kalkulam I*): May I know from the member whether this Bill is intended to serve the present conditions and not the conditions that prevailed in Chandragupta's time?

DEPUTY PRESIDENT: That is a bit of impertinent remark made on an observation from the Chair. Will you please withdraw that question?

MR. K. R. ELENKATH (*Kalkulam I*): I withdraw (*Laughter*).

MR. K. C. KARUNAKARAN (*Nominated*): Sir, in the industrial system in Travancore, there is that personal touch between the employer and the employed which is absent elsewhere; and when there are trade disputes arising out of the differences in wages or hours of work, the

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employer and the employed meet together and set the differences without interference from third parties. That is the point that I have to bring to the careful attention of this House.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Were there not strikes at Alleppey in recent times and, if so, are they not traceable to disputes between the employer and the employed?

MR. K. C. KARUNAKARAN (*Nominated*): Yes just like in our domestic life, there occur differences of opinion among the members of the industrial family, but not that kind of strike as in British India where there is intensive feeling between the employer and the employed brought about mostly through outside and extraneous influence.

MR. POTTAYIL S. KRISHNA PANICKER (*Shertala II*) May I know whether there were instances at Alleppey where managers were assaulted?

MR. K. C. KARUNAKARAN (*Nominated*): Yes, there were rare cases. In those cases, I am clear of one thing. I do not think these instances took place out of any genuine trade disputes based on the cry of the labourer. They were due to simple extraneous reasons which have nothing to do with the business proper. They were with different intentions.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Were there instances of trade disputes at Alleppey which will fall within the definition contained in Section 2 of this Bill?

MR. K. C. KARUNAKARAN (*Nominated*): I do not think we have had any such.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether there is prospect of trade disputes as contemplated in this Bill.

MR. K. C. KARUNAKARAN (*Nominated*): Now I come to another important point, Sir. In the last six sentences of the Statement of Objects and Reasons, two of the greatest safeguards against these strikes and lock-outs are given.

In this connection I have to invite the attention of the Law member to a recent decision of the Bombay High Court, which is published in greater detail in "The Capital" dated the 5th September 1935. It is a commercial journal from Calcutta.

DEPUTY PRESIDENT: A ruling of a Court reported in a commercial journal will not be an authority.

MR. K. C. KARUNAKARAN (*Nominated*): I was not able to get at the authorised journal.

DEPUTY PRESIDENT: Of course, I do not want to rule it out.

MR. KAYYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know the name of the case?

MR. K. C. KARUNAKARAN (*Nominated*): I do not know the name, but I know the details. The case is between Government and six labour leaders with regard to the last textile strike in 1934 in Bombay. The leaders were prosecuted for coercing Government by inflicting hardship on the community. It is on that point that a decision has been given by the Bombay High Court about five weeks ago

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MR. K. C. KARUNAKARAN (*Nominated*) : The 'Capital', a commercial paper representing the interest of capital in India, has already explained in great detail the implications of this decision. I wish the Law Member keeps in mind this important decision of the Bombay High Court in this case.

DEPUTY PRESIDENT: What does that decision say?

MR. K. C. KARUNAKARAN (*Nominated*): It goes against the employer in regard to the second safeguard. Sir, with regard to strikes and lock-outs, I want to say a word. Anyway the Government is giving certain privileges to labour here.

MR. A THANU PILLAI (*Trivandrum—Rural*) Am I to understand that in that case lock-outs were held to be illegal?

DEPUTY PRESIDENT: Mr. Karunakaran has said that that decision is against the employer.

MR. K. C. KARUNAKARAN (*Nominated*) : I said in the legal way I cannot explain it at present.

DEPUTY PRESIDENT: Mr. Karunakaran says that he is not a lawyer and therefore such questions need not be addressed to him.

MR. K. C. KARUNAKARAN (*Nominated*) : It is against the employer in regard to the second safeguard.

Sir, the most important clause according to me is clause 16. Now, enough safeguards have been given to the labourers in this legislation. Still, strikes and lock-outs are made legal. Sir, when there are enough safeguards for labourers, strikes and lock-outs, which are not at all desirable either for the employer or for the employed or for the public at large, should not be made legal. I can tell you, Sir, that in the industrial Code in Italy, Mussolini, after giving some privileges to the working classes, has made strikes and lock-outs illegal.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Does the member advocate Mussolinian law here also?

MR. K. C. KARUNAKARAN (*Nominated*) : In this particular piece of legislation I advocate it, but not in all things.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) : Sir, is the honourable member aware that, before Mussolini declared strikes illegal, he had organised employers and employees into corporations?

MR. K. C. KARUNAKARAN (*Nominated*) : I do know, Sir. In Part I of the Munitions of War Act, 1915, it was indicated that an employer shall not declare, cause, or take part in a lock-out, and a person employed shall not take part in a strike in connection with any difference to which this part of the Act applies, unless the difference has been reported to the Board of Trade, and 21 days have elapsed since the date of the report, and the difference has not during that time been referred by the Board of Trade for settlement in accordance with this Act. My point is this, Sir. When a difference of opinion has arisen between the employer and the employed and when that difference has been, for its settlement, referred to a Board of Conciliation or a Board of Enquiry,

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why should the economic activities of the country suffer? The man who is at fault will be found out by the Board of Enquiry or the Board of Conciliation and the party at fault can be book d. In such a case, why should the work of a factory or an industrial firm suffer, while the Board of Enquiry or the Board of Conciliation deals with the case of the dispute? If the Law Member cannot accept my proposition that the strikes and lock-outs should not be made legal, at least the provision setting forth that strikes and lock-outs should not take place when a difference of opinion between the employer and employed is referred to a Board of Enquiry or a Board of Conciliation could be accepted. Sir, with these words, I support the principle of the Bill.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): I support the principle of the Bill with great pleasure and I do so with the happiness that I am in the right especially after hearing my friend, Mr. Karunakaran opposing the Bill. He emphasised the fact that there is practically no dispute between labour and capital in Travancore and that there is only some slight domestic quarrel here and there Mr. M. L. Janardanan Pillai, as representing the employers, the other day stated on the floor of this House that European Managers were molested by discontented labourers rushing into the factories and police assistance had to be requisitioned for the safety of person and property. Unfortunately there had been even recently similar occurrences at Alleppey and occasionally at Quilon, when hundreds of labourers took the law into their own hands and created disturbances, causing much injury to invested capital and much annoyance and disturbance to the public in general. Such a Bill therefore is highly necessary already two other Bills, the principles of which we have accepted, have been referred to the Select Committee and there should be some legally constituted corporation to adjust the divergent views of capital and labour. With these observations, I support the principle of the Bill.

MR. P. S. MAHOMED (*Co-opted*): സർ, തൊഴിലാളികളെ സംബന്ധിച്ച് ഈ സഭ ഇവിടെ സ്വീകരിച്ചിട്ടുള്ളതായ രണ്ട് ബില്ലുകളുമായിട്ടാണ് ഏറ്റവും പ്രധാനമായതും ഏറ്റവും സ്വീകരണയോഗ്യമായതുമായ ഒരു ബില്ലാണിതെന്നാണ് എന്റെ വിശ്വാസം തൊഴിലാളികളുടേയും മുതലാളികളുടേയും പ്രവർത്തനത്തെ സംബന്ധിച്ചിടത്തോളം വലുതായ വഴക്കുകൾ ഒന്നും ഉണ്ടാകുന്നില്ലെന്നു വരികിലും പല തരത്തിലും പലവിധത്തിലുമുള്ള വഴക്കുകളും ഇവിടെ നടന്നുകൊണ്ടിരിക്കുന്നു എന്നുള്ള സംഗതി എന്റെ സ്നേഹിതന്മാർ മെസ്സേഴ്സ്. കരുണാകരനും, ഇ. എൽ. ജനാർദ്ദനൻ പിള്ളയും ഇതിനുമുൻപുതന്നെ ഈ സഭയിലും പല പ്രകാരത്തിലും വെളിപ്പെടുത്തീട്ടുണ്ടെന്നാണ് എനിക്കു തോന്നുന്നത്. ഫാക്ടറി നടന്ന നിയമസഭയിൽ ഏതാണ്ട് ഇതേരീതിയിലുള്ള ഒരു നിയമത്തിന്റെ ആവശ്യമുണ്ടെന്നു മി. കരുണാകരൻ തന്നെ മുണ്ടി

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[Mr. P. S. Mahomed]

കാണിച്ചിട്ടുണ്ട്. ആയതുകൊണ്ട് ഇങ്ങനെ ഒരു നിയമം ആവശ്യമി ല്ലെന്നു പറയുവാൻ നിവൃത്തിയില്ല. തൊഴിലാളിമാരും മുതലാളിമാരും തമ്മിലുള്ള സൌഹാർദ്ദ പ്രവർത്തനത്തിന് ഈ ബിൽ ആവശ്യമാണെ ന്നുള്ള അഭിപ്രായക്കാരനാണ് ഞാൻ. അതായത് തിരുവിതാംകൂറി ന്റെ വ്യവസായികപുരോഗമനത്തിന് തൊഴിലാളികളും മുതലാളി കളും യോജിച്ച് സ്നേഹത്തോടുകൂടി പ്രവർത്തിക്കേണ്ടതിന് ഒരന്തരീക്ഷസ്ഥി തിക്കു പര്യാപ്തമായ ഒരു നിയമം അത്യാവശ്യമാകുന്നു. എന്നാൽ അതി ലേക്കുചയുക്തമായ പല സംഗതികളും ഈ ബില്ലിൽ ഇല്ല. മുതലാളിമാ രും തൊഴിലാളികളും തമ്മിൽ വല്ലമത്സരവും ഉണ്ടാവുകയോ അല്ലെങ്കിൽ വല്ല സ്ട്രൈക്കും ഉണ്ടാവുകയോ ചെയ്തശേഷം അതിനെപ്പറ്റി വേണ്ട അന്വേഷണം നടത്തുന്നതിനുള്ള വ്യവസ്ഥകളാണ് ഈ ബില്ലിൽ അട ങ്ങീട്ടുള്ളതു്.

ഇവിടെ നമ്മുടെ ആവശ്യം അവർ തമ്മിൽ മത്സരം ഉണ്ടാകാ തിരിക്കുക എന്നുള്ളതാണ്. അതിനതകത്തക്കവണ്ണമുള്ള വ്യവസ്ഥക ളൊന്നുതന്നെ ഈ ബില്ലിൽ ഇല്ല. വഴക്കുണ്ടാകുന്നതിനുള്ള പ്രധാന കാരണം തൊഴിലാളികൾക്കു കിട്ടിക്കൊണ്ടിരിക്കുന്ന കൂലിയോ മറ്റു സൌകര്യങ്ങളോ മുതലാളികൾ കുറയ്ക്കുന്നതാണ്. മുതലാളികൾ കൂലി കുറച്ചാൽ നോട്ടീസു കൊടുത്തശേഷംകുറെദിവസത്തേക്കു കുറഞ്ഞകൂലിക്കു ജോലി ചെയ്യുകയാണെന്നുള്ള ഒരു മനഃസ്ഥിതി തൊഴിലാളികളുടെയി ടയിൽഉണ്ടാവുകയില്ല. അതിനാൽ കൂലികുറച്ചുഎന്ന അറിവുകിട്ടുമ്പോൾ മുതലാളികളേയും തൊഴിലാളികളേയുംതമ്മിൽ യോജിപ്പിച്ചുകൊണ്ടുപോ കുന്നതിനുള്ള ഉദ്യോഗസ്ഥന്മാർ ഉണ്ടായിരുന്നാൽ അതു് നന്നായി രിക്കും.

ഈ ബില്ലിൽ വേറെ ഒരു ന്യൂനത ഞാൻ കാണുന്നതു് മുതലാളികളും തൊഴിലാളികളും തമ്മിൽ വഴക്കുണ്ടായശേഷം ഒരു റഫറൻസു വരുമ്പോൾമാത്രമേ അതിനെപ്പറ്റി അന്വേഷണം നടത്താൻ ഗവണ്മെന്റിൽനിന്നും ഒരു കൺസിലിയേഷൻ ബോർഡിനെ നിയമിക്കുവാൻ അവകാശമുള്ളൂ എന്നാണ്. തൊഴിലാളികൾതന്നെ അനാവശ്യമായി വഴക്കുണ്ടാക്കി എന്നു വിചാരിക്കുക. അതിന്മേൽ ഒരു കോടതി അന്വേ ഷണം നടത്തണമെന്നു മുതലാളികൾ ആവശ്യപ്പെടുന്നു. എന്നാൽ തൊഴിലാളികൾ അതിൽനിന്നും മാറിനിന്നാൽ ഒരു ബോർഡിനെ നിശ്ചയിക്കുവാനുള്ള അധികാരം ഗവണ്മെന്റിനില്ല. രണ്ടുകൂട്ടരും യോജിച്ചുനിന്നാൽ മാത്രമേ കൺസിലിയേഷൻ ബോർഡി

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നെ നിയമിക്കുവാൻ അവകാശമുള്ളൂ. അതു് പോരാ; ഏതെങ്കിലും ഒരു കക്ഷിക്കു സങ്കടമുണ്ടെന്നുകണ്ടാൽ ഇരുകക്ഷികളേയും വരുത്തി സങ്കടം കേട്ടു് പരിഹാരമുണ്ടാക്കത്തക്കവണ്ണം ഒരു കോടതി ഉണ്ടാക്കാനുള്ള വ്യവസ്ഥ ഉണ്ടായിരിക്കണം.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : കോടതിയുണ്ടാക്കുന്നതിനു ഇരുകക്ഷികളും തമ്മിൽ യോജിക്കേണ്ട ആവശ്യമില്ലല്ലോ?

MR. P. S. MAHOMED (*Nominated*) കൺസിലിയേഷൻ ബോർഡ് ഉണ്ടാക്കുന്നതിനു് അവർ തമ്മിൽ യോജിക്കേണ്ട ആവശ്യമുണ്ടു്.

ഇതിനുപുറമെ കൺസിലിയേഷൻ ബോർഡിൽനിന്നും ഒരുവിധി കല്പിച്ചാൽ അതു് വല്ല പത്രങ്ങളിലും പരസ്യം ചെയ്യാമെന്നല്ലാതെ അതിനെ നടപ്പിൽ വരുത്താൻ യാതൊരധികാരവും ഈ ബിൽ അനുസരിച്ചു് കാണുന്നില്ല. ഇതുകൊണ്ടു് ഇന്നാരു കുറക്കാരനെന്നു പൊതുജനങ്ങളുടെ ദൃഷ്ടിയിൽ കൊണ്ടുവരുവാൻ കഴിയുമെന്നല്ലാതെ മറ്റുവിധത്തിൽ യാതൊരു പ്രയോജനവുമില്ല. ഗവണ്മെൻറിന്റേയും പൊതുജനങ്ങളുടേയും സമയം കളഞ്ഞു അനുഷ്ഠാനം നടത്തുന്ന ഈ മാതിരി സംഗതികളിൽ ബോർഡിൽനിന്നും വിധിക്കുന്ന തീർച്ചയെ പ്രായോഗികതയിൽ കൊണ്ടുവരുന്നതിനു ഇപ്പോൾ നിവൃത്തിയില്ലാതാണിരിക്കുന്നതു്. അതിനാൽ കൺസിലിയേഷൻബോർഡു് വിധിക്കുന്ന തീർപ്പു് അനുസരിച്ചു് മുതലാളി ആയാലും തൊഴിലാളി ആയാലും നടക്കത്തക്കവണ്ണം വേണ്ട വ്യവസ്ഥകം ഉണ്ടാക്കേണ്ടിയിരിക്കുന്നു. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ സ്ഥിതിയല്ല ഇവിടെ നമുക്കുള്ളതു്. മുതലാളികൾതന്നെയും ഇങ്ങനെയുള്ള ഒരു നിയമം കൊണ്ടുവരുന്നതിനു താല്പര്യം പ്രദർശിപ്പിക്കുന്ന ഈ സന്ദർഭത്തിൽ മത്സരം കഴിയുന്നതും കുറക്കുവാൻ നോക്കുകയല്ലാതെ അതു് ഇടൻകൊണ്ടുപോകാൻ ഒരിക്കലും അനുവദിക്കരുതു്. ആയതുകൊണ്ടു് ഇങ്ങനെയുള്ള ഭേദഗതികൾ വരുത്തുന്നതിനുള്ള അധികാരത്തോടുകൂടി ഈ ബില്ലു സെലക്ടു് കമ്മിറ്റിക്കയക്കണമെന്നു പ്രസ്താവിച്ചുകൊണ്ടു് ഈ ബില്ലിന്റെ മൂലതത്വത്തെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

DEPUTY PRESIDENT : Mr. Parameswaran Pillai.

MR. M. L. JANARDANA PILLAI (*Co-opted*) : Sir,—

DEPUTY PRESIDENT: Oh! you want to speak? Please be prompt in rising up because, after I call one member, it will be difficult for me to ask him to sit down and let another speak.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): Sir, of all the Bills introduced in this House to regulate and control the relationship between the labourer and the employer, I, on behalf of the employers,

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[Mr. M L. Janardanan Pillai.]

have the greatest pleasure to welcome this particular Bill. (Mr. K. Kunjukrishna Pillai: *Hear, hear*). That, I suppose, will convince the House of the *bona fides* of the employer in this matter, and that the employer is not at all anxious to create any trouble or to encourage strife between him and the labourer. The employer is very grateful to Government for having introduced this measure.

There are just a few points to which I would like to refer. I agree with Mr. Karunakaran in thinking that, in cases of differences of opinion between the labourer and the employer, and if, as a consequence, a strike is declared, it must cease, as soon as the matter is referred to the Conciliation Board. Otherwise, the trouble will still continue creating deadlock and loss. Provision for that must be made in clause 16.

There is no provision in the Bill for notice being given to the employer before the commencement of a strike, nor for notice by the employer to the labourer before declaring a lock-out. I can certainly understand the difficulty in this matter which was explained by some honourable members. But my point is that, if this measure is intended to avoid trouble, the best course would be to give the employer an opportunity to hear and understand the complaints the employees have, before declaring a strike and if that is done, very probably, in 99 out of a 100 cases, we may arrive at a satisfactory settlement.

Similarly, I find that the tribunals constituted for the investigation and settlement of trade disputes are, according to the provisions of the Bill, unable to enforce their findings.

Sir, I cannot understand why after undergoing all sorts of worries and troubles, after letting in evidence, and after both parties incurring a good deal of expenditure and probably after considerable dislocation of business in the meanwhile, a decision should be arrived at which could not be enforced and which is not binding on any of the parties. It is essential that the award should be made enforceable and binding.

MR. G. NILAKANTAN (*Nominated*): Does the member think that the provisions in the Bill are adequate in regard to these Boards?

DEPUTY PRESIDENT: Whether the provisions are sufficient or not is a matter of opinion.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): Sir, I would like to emphasise this point. If the real object of this measure should be achieved, it must be made obligatory on both the employer and the employee to accept the findings of the Board and to act up to them and failure to do so must be made punishable.

Sir, on the whole, I think this is a measure which the employer certainly welcomes and for which he is thankful to Government. I hope this measure will see the end of all manner of needless agitation that we are now having in this matter. (Mr. K. Kunjukrishna Pillai: *Hear, hear*).

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I do not think that any such point has been raised in the debate as could not be rectified, if necessary, in the Select Committee or in the later stages of the Bill. I do not therefore propose to take up the time of the House and deal at all with this matter at this stage.

The question that the principle of the Bill be accepted by the House was then put to vote and carried.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee consisting of—

Messrs. T. K. Velu Pillai,
P. K. Narayana Pillai,
K. Kunjukrishna Pillai,
S. Padmanabha Menon,
P. C. Kurien,
S. Chattanatha Karayalar,
T. P. Velayudhan Pillai,
K. C. Karunakaran,
K. Sankaran,
M. K. Madhavan Pillai,
Antony George,
N. Abdur Rahiman Sahib,
J. W. Tolson
M. L. Janardanan Pillai, and
P. S. Mahomed.

to report within four months.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to vote and carried.

THE TRAVANCORE ANCIENT MONUMENTS PRESERVATION BILL.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Ancient Monuments Preservation Bill. It has been published in the Gazette with a Statement of Objects and Reasons. I move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, at present there is no law for the preservation of ancient monuments of archaeological, historical or aesthetic interest, found in the various parts of Travancore. The Bill provides for the protection of these monuments in general for the punishment of wilful or malicious destruction or mutilation of such monuments, and also for the prevention of undesirable traffic in objects of antiquities found in Travancore. It has been brought to the notice of Government, Sir, that

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